PART IV

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

Order No. 524—Legis. 33-51-1, Bangalore, dated 31st May 1951.

Ordered that the accompanying Mysore Town Municipalities Act, 1951, which received the assent of His Highness the Maharaja, on the 27th day of May 1951, be published as Act No. XXII of 1951, in the *Mysore Gazette* for general information.

376

MYSORE ACT No. XXII OF 1951.

THE MYSORE TOWN MUNICIPALITIES ACT, 1951.

ARRANGEMENT OF SECTIONS.

CHAPTER I.

PRELIMINARY.

1. Short title and commencement.
2. Repeal of Mysore Acts VIII and IX of 1933.
3. Definitions.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

4. (1) Delimitation of town municipalities.
   (2) Limits to be specified in notifications.
   (3) Erection and maintenance of boundary marks.
   (4) Property and rights of municipal council which has ceased to exist to vest in Government.
5. Conversion of city municipalities into town municipalities.
6. (1) What local areas may be declared to be town municipalities.
   (2) Naming of municipalities comprising two or more places.
7. Town municipalities.
8. Constitution and incorporation of town municipal councils.
9. (1) Constitution of municipal councils.
   (2) All the councillors to be elected.
   (3) Reservation of seats for scheduled castes.
   (4) Members of scheduled castes may stand for election to non-reserved seats.
   (5) Certain officers notified by the Government to attend meetings and speak.
10. Appointment by Government when councillors are not elected.
11. Territorial divisions for elections.
12. Qualification for enrolment in the electoral roll.
13. (1) Operation of lists.
   (2) Right to vote to depend on entry in roll.
   (3) Enrolment in municipal electoral roll necessary for election as councillor.
14. (1) General disqualifications for becoming a councillor.
   (2) Disabilities from continuing to be a councillor.
   (3) Power of Government to decide whether vacancy has occurred.

15. Resignation.
16. Liability to removal from office.
17. Term of office.
18. Casual vacancies how to be filled up.
19. Notification of names of persons elected.
20. (1) and (2) Determination of validity of elections, enquiry by judge, procedure.
(3) (*a*) Declaration in case of corrupt practice by a candidate.
(*b*) Scrutiny of votes and declaration in other cases.
(4) What is a corrupt practice. Candidate when deemed to have committed corrupt practice. Promise of individual profit.
(5) Mere irregularities and informalities not to invalidate election
(6) Disqualification of candidate for corrupt practice.

21. Bar of suits relating to elections, etc.
22. Municipal Government to vest in municipal council.
23. (1) Every municipal council to have a president and if the municipal council so desires, a vice-president.
(2) President to be elected.
(3) Vice-president to be elected.
(4) Appointment of president or vice-president by the Government.
(5) When Deputy Commissioner and Amildar may perform functions of President.
(6) Consequence of absence of president or vice-president without leave.
(7) Limit of grant of leave and arrangements during leave.
(8) Vacation of office by vice-president on becoming president.
(9) Vacation of office by president and vice-president for want of confidence.
(10) Removal of presidents and vice-presidents.
(11) Term of office of president and vice-president.
(12) Vacancies in their office how to be filled up.
(13) Remuneration of president and vice-president of municipal council.

24. Functions of presidents.
25. Custody of records.
26. Functions of vice-presidents.

CHAPTER III.

CONDUCT OF BUSINESS.

27. Provisions in regard to meetings of a municipal council
(1) Ordinary general meetings.
(2) Special general meetings.
(3) Notice to be given of meetings.
(4) Meetings to be held at Municipal office.
(5) Meeting how presided over in the absence of the president and vice-president.
(6) Meeting must ordinarily be open to the public.
(7) Number of councillors required to form a quorum.
(8) Business to be transacted at meetings, and order of business how to be settled.
(9) Minutes of proceedings to be kept.
(10) All questions must be decided by a majority of votes.
(11) Councillor not to vote on questions in which he has pecuniary interest.
(12) Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.
(13) Adjournments of meetings.
(14) Modification and cancellation of resolutions.
(15) Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.
(16) (*a*) Certain Government Officers may attend meetings of municipal councils.
(*b*) Municipal council may require the presence of certain of the said officers at their meetings.
28. Rights and privileges of individual councillors.
29. Committees.
30. When persons other than councillors may serve on committees Duties, etc., of such persons.
31. (1) and (2) When Chairman to be ex-officio.
(3) When no ex-officio chairman, municipal council may appoint chairman.
(4) When ex-officio or appointed chairman does not attend meeting, committee may appoint chairman of meeting.
(5) If there is no chairman, ex-officio or appointed by the municipal council, the committee shall appoint a chairman from time to time.
32. (1) Procedure at meetings.
(2) Committees shall meet when they think proper.

(3) Number of members required to form quorum at committee meetings.

33. (1) Procedure by circular.
(2) Propositions when to be sent to Government officers for remarks.
(3) Decisions how to be taken on propositions circulated;
(4) and how to be recorded.

34. (1) Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.
(2) Orders subject to revision and appeal.

35. Powers, duties and functions may be delegated to officers whose expenses may be paid.

36. Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.
Proceedings of meetings to be good and valid until the contrary is proved.
Vacancy not to affect municipal council's proceedings.

37. Joint committees of two or more municipal councils.

38. (1) Competency of municipal council to lease, sell and contract.
(2) Subject in certain cases to sanction of Government.
(3) Sanction by resolution at general meeting requisite to validity of certain contracts.
(4) Sanction of municipal council when requisite in other cases.
(5) When tenders should be invited.
(6) Sanction by committees and individuals empowered.
(7) Mode of executing contracts
(8) Invalidity of contracts unless requirements of the section are fulfilled.

39. Contracts by officers appointed by Government to execute municipal works and payment for such works.

40. Acquisition of land.

41. (1) Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.
(2) Liability of president, vice-president and members for loss, waste or misapplication.

42. (1) Officer or servant of any municipal council not to be interested in any contract with such municipal council.
(2) Effect of acquiring such interest.
(3) Saving clause.

43. Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.
44. Notice to sweepers and scavengers before discharge.
45. Councillors, etc., to be deemed public servants.

CHAPTER IV.

RULES AND BYE-LAWS.

46. Government to make rules—
    (*a*) Regulating the conduct of business.
    (*b*) Fixing the functions of the president and the establishment.
    (*c*) For general guidance of municipal servants.
    (*d*) Fixing the amount of the security to be furnished.
    (*e*) Determining mode of appointing, etc., municipal servants, delegating to appoint, etc.
    (*f*) Granting leave to municipal servants.
    (*g*) Contributing to provident fund.
    (*h*) Prescribing the taxes, etc., to be levied for municipal purposes.
    (*i*) For writing off amounts due and remitting fees.

47. Power to suspend, reduce or abolish any existing tax.

48. Government to make bye-laws—
    (*a*) For markets and slaughter-houses, etc.
    (*b*) For licencing, regulating and inspecting certain businesses.
    (*c*) Regulating the stalling of cattle, etc.
    (*d*) For regulating dairies and cattle sheds, Milk-stores, etc.
    (*e*) For inspection of weights and measures.
    (*f*) For the registration of births, etc.
    (*g*) Regulating the disposal of the dead.
    (*h*) For enforcing information as to epidemics.
    (*i*) For enforcing information as to liability to municipal taxation.
    (*k*) Octroi bye-laws.

(*l*) For protecting water.
(*m*) Regulating public baths, etc.
(*n*) For conservancy.
(*o*) For constructing houses for the poor.
(*p*) For the disposal of carcasses.
(*q*) Regulating structures and buildings.
(*r*) For regulating construction or use of buildings.
(*s*) For providing for streets.
(*t*) For ensuring ventilation.
(*u*) Control of drains.
(*v*) Requiring information and plans in certain cases.
(*w*) For controlling unwieldy traffic.
(*x*) Public parks.
(*y*) For licencing factories, the use of steam whistles, etc.
(*z*) Fine may be imposed for infringement of bye-laws.
(3) Publication of drafts of proposed bye-laws.
Objections and suggestions to be submitted to Government.
49. Rules and bye-laws to be printed and sold.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

50. (1) Power to acquire and hold property.
(2) Property vested in the municipal council.
(3) Power of Government to resume property.
51. Municipal Fund.
Provision as to special trusts.
52. Application of municipal fund and property.
53. (1) Power to deposit and invest surplus funds.
(2) Surplus not so deposited or invested how to be dealt with.
54. Power of municipal councils to borrow money.

CHAPTER VI.

OBLIGATORY AND DISCRETIONARY FUNCTIONS OF MUNICIPAL COUNCILS.

55. Obligatory duties of municipal councils.
56. Special duties.
57. Power of Government to exempt municipal council from any of the duties.

382

58. Discretionary powers of expenditure of municipal councils.
59. Arrangements purporting to be binding permanently or for a term of years.
60. Management of public institutions maintained by municipal councils to vest in it.

CHAPTER VII.

MUNICIPAL TAXATION.

61. Taxes which may be imposed.
62. Procedure preliminary to imposing tax.
63. Power to sanction, modify and impose conditions.
64. Publication of sanctioned rules with notice.
65. Duty on certain transfers of immovable property.
66. Seizure and sale of vehicles not bearing numbers.
67. Appointment of assessor.
68. (1) Preparation of an assessment list.
(2) Power to inspect.
(3) Returns to be furnished.
69. (1) Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.
(2) Occupier liable for a rate on buildings or lands or both until he gives information.
70. Publication of notice of assessment list.
71. (1) Public notice of time fixed for revising assessment list.
(2) Revising authority.
(3) Objections how to be made.
(4) Hearing of objections.
(5) Authentication of list.
(6) Custody and inspection of list.
(7) Authenticated list how far conclusive.
72. (1) Amendment of assessment list.
(2) Objections how dealt with.
(3) Effect of amendment.
73. New assessment list need not be prepared every year.
74. Tax from whom primarily leviable.
75. Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.
76. Form of notice.
77. Name of transferee to be substituted in the municipal registers.
78. Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

383

79. Remission of tax in case of vacancies; when obligatory.
80. (1) Municipal council may charge fee for certain licences.
(2) Levy of fees for unauthorised occupation or projection.
(3) Market and other fees.
(4) Farming of fees.
(5) Power of lessee to expel persons who refuse to pay fees.
81. (1) Composition of toll.
(2) Recovery of sums claimed under this section.
82. Power of Government to suspend or prohibit levy of objectionable taxes.
83. Power of Government to require municipal council to impose taxes.
84. Octroi bye-laws to be submitted with proposal for imposition of octroi.
85. (1) Power to examine articles liable to octroi.
(2) Power to search where octroi is leviable.
86. (1) Presentation of bills for octroi.
(2) Penalty for evasion of octroi.
87. (i) Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.
(ii) Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.
(iii) Searches and arrests to be governed by the Code of Crimina Procedure, 1904.
88. Tables of tolls to be shown on demand.
89. (1) Power to seize vehicle on non-payment of octroi or toll.
(2) Notice of sale.
(3) Release of property on payment.
(4) Sale.
(5) Surplus how dealt with.
90. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.
91. Farming of tolls.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

92. (1) Presentation of bill for taxes.
(2) Contents of bills.
(3) If bill not paid within fifteen days, notice of demand to issue.

93. (1) In what cases warrant may issue.
(2) Warrant by whom to be signed.
(3) To whom the warrant should be addressed.
(4) Power of entry under special order.
(5) Warrant how to be executed.
94. (1) Sale of goods distrained in special cases.
(2) Sale of property distrained; application of proceeds of sale
(3) Surplus, if any, how dealt with.
95. Distraint and sale outside the municipality.
96. Procedure when distraint is impracticable.
97. Summary proceedings may be taken against persons about to leave the municipality.
98. Fees and costs chargeable.
99. (1) Appeal to magistrates.
(2) Revision of decisions on appeal.
100. Liability of land, buildings, etc., for rates.
101. Suspension of power to recover by distress and sale.
102. Receipts to be given for all payments.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

103. Power regarding streets, etc.
104. Temporary closure of streets.
105. The regular line of public street.
106. (1) Setting back projecting buildings.
(2) Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.
(3) Compensation payable by the municipal council.
107. Setting forward to regular line of street.
108. Buildings at corner of streets.
109. (1) Roofs and external walls of buildings not to be made of inflammable materials.
(2) Power to require removal of roof and wall, if inflammable.
(3) Penalty.
110. Level of building.
111. Rat-proof building for warehouse for storing grain.
112. (1) Notice of new buildings.
(2) Power of municipal council to pass orders.
(3) Or to suspend the work or to require further particulars.
(4) Right to proceed in certain cases.

113. Power of Government to prohibit the erection of buildings in certain area without permission.
114. Regulation of huts.
115. Improvement of huts.
116. Municipal control over drains, etc.
117. Powers for making drains.
118. (1) Sufficient drainage of houses.
(2) New buildings not to be erected without drains.
119. Power of owners and occupiers of buildings or lands to drain into municipal drains.
120. Provision of privies, etc.
121. Cost of altering, repairing and keeping in proper order privies, etc.
122. Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.
123. Encroachment on municipal drains, etc.
124. Inspection of drains, etc.
125. Power of carrying water mains, etc.
126. Permission necessary for certain projections.
Removal of projections.
127. Troughs and pipes for rain water.
128. Fixing of brackets, etc., to houses.
129. Naming streets and numbering houses.
130. Removal and trimming of hedges, trees, etc.
131. (1) Ruinous or dangerous buildings.
(2) Action to be taken on default by owner or occupier.
Proviso if danger is not imminent.
132. (1) Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.
(2) Remedy for non-compliance with direction issued.
133. (1) Displacing pavements, etc.
(2) Penalty for failure to replace after notice.
134. Obstruction and encroachments upon public streets and open spaces.
135. Hoardings to be set up during repairs, etc.
136. Fencing and lighting during repairs, etc.
137. Timber not to be deposited or hole made in a street without permission.
138. Provision as to dogs.
139. Depositing dust, etc.
140. Discharging sewage, etc.

141. Non-removal of filth, etc.
142. Filthy buildings, etc.
143. Power to enter and inspect, etc., buildings.
144. Abatement of nuisances from wells, etc.
145. Regulation or prohibition of certain kinds of cultivation.
146. Using offensive manure, etc.
147. (1) Tethering cattle, etc.
(2) Keeping swine.
148. Feeding animals on filth.
149. Licences to be taken for burning bricks.
150. Licensing markets, slaughter-houses and certain businesses.
151. Opening, closing and letting of markets and slaughter-houses.
152. Slaughter-houses, etc., beyond municipal limits.
153. (1) Registry for shops for sale of European drugs.
(2) Certificated dispensers.
154. Uncertificated person dispensing drugs.
155. Unwholesome articles of food and drink.
156. False weights and measures and instruments for weighing.
157. Powers which may at any time be exercised *re* prevention of dangerous diseases.
158. Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep, or goats.
159. Proceedings to abate the overcrowding of the interiors of buildings.
160. Closing places for disposal of the dead.
161. Regulation of certain trades.
162. Factories in crowded localities.
163. Use of siren or whistle for summoning or dismissing workmen.
164. Use of loud speakers.
165. Brothels.
166. (1) Service of notices, etc., addressed to individuals.
(2) Services of notices, etc., on owners and occupiers of buildings and lands.
(3) Public and general notices how to be published.
(4) Defective form not to invalidate notice or bill.
(5) Execution of acts required to be done by any notice.
167. Punishment for disobedience of orders and notices not punishable under any other section.

168. (1) Municipal Council in default of owner or occupier may execute work and recover expense.
(2) Power to levy charges on occupier who may deduct the same from his rent.
(3) Occupiers not to be liable for more than the amount of rent due.
169. Occupier in default of owner, may execute works and deduct expenses from his rent.
170. Proceedings, if any, occupier opposes the execution of the Act.
171. Entry for purposes of the Act.
172. Determination of compensation in certain cases.
173. Costs or expenses how determined and recovered.

CHAPTER X

PROSECUTIONS, SUITS AND POWERS OF POLICE.

174. (1) Municipal Council may prosecutes.
(2) Jurisdiction of magistrate.
175. Imprisonment in default of payment and recovery and payment of fines.
176. Power to compound offences.
177. Limitation for distraint, etc.
178. Distress lawful though defective in form.
179. Damage to municipal property how made good.
180. Alternative procedure by suit.
181. Power of compromise.
182. Assistance for the recovery of rent on land.
183. Limitation of suits, etc.
184. Power of police officers.

CHAPTER XI

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

185. Prohibition of expenditure not budgeted for.
186. (1) Presentation of accounts.
(2) Budget estimate.
187. Revision of budget.
188. Maintenance of accounts and restrictions on expenditure.
189. Audit of accounts.
190. Powers of Government auditor.

191. (1) Duties of Government auditor.
(2) Municipal council to remedy defects.
192. Disallowance by Government Auditor and order by Deputy Commissioner.
193. Appeal from order of Deputy Commissioner.
194. Recovery of amounts disallowed.
195. Transmission of accounts to Government.
196. Annual administration report.

CHAPTER XII

CONTROL

197. Powers of inspection and supervision by the Commissioner.
198. Deputy Commissioner's power of inspection of offices of municipal councils.
199. (1) Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.
(2) Deputy Commissioner's order to be reported to Government who may confirm or modify it.
200. Extraordinary powers of Deputy Commissioner in case of emergency.
201. Agency for execution of public works.
202. Special provision in regard to works executed by Government.
203. Government inquiry into municipal matters.
204. (1) Power of Government to prevent extravagance in the employment of establishment.
(2) Government may require any town municipal council to appoint a health officer or an engineer.
205. Power of Government to direct person in custody of municipal fund to pay Government dues.
206. Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.
Consequences of exercise of such power.
Power after enquiry to continue period of supersession.
207. Disputes between a municipal council and one or more local authorities.
208. Powers of Government to make rules and orders.
209. Power of Government to cancel or modify bye-laws and rules of municipal councils.
210. Delegation of powers by Government.

211. Powers of Government and of the Deputy Commissioners over subordinates.
212. Powers of officers acting for or in default of municipal council and liability of municipal fund.
213. Powers to transfer officers.

CHAPTER XIII

APPOINTMENT AND POWERS OF EXECUTIVE OFFICERS.

214. Appointment of Executive Officer.
215. Appointment by Government.
216. Municipal council when not to exercise the power.
217. Duties of Executive Officer.
218. Powers of Executive Officer.
219. Executive Officer's powers of appointment and punishment.
220. Executive Officer may make explanations at meetings.

SCHEDULES I TO XIII.

3890

MYSORE ACT, No. XXII OF 1951.

THE MYSORE TOWN MUNICIPALITIES ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 27th day of May 1951)

An Act to consolidate and amend the law relating to the management of municipal affairs in Towns in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in Towns in the State of Mysore; Preamble.

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Town Municipalities Act, 1951. Short Title and commencement.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once and the other provisions of this Act shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint in this behalf.

2. On this Act coming into force, the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933, shall stand repealed : Repeal of Mysore Acts VIII and IX of 1933.

Provided that—

(*a*) the said repeal shall not affect the validity of anything already done under the said Acts;

(*b*) all minor and town municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Acts or under any Acts thereby repealed, shall continue in force and be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued,

imposed, entered into and instituted under this Act, until superseded by or under the provisions of this Act;

(*c*) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act, unless there be anything repugnant in the subject or context—

(1) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year;

(2) "building" shall include a house, out-house, stable, latrine, shed, hut, wall, verandah, fixed platform, plinth, doorstep, staircase and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(3) "Commissioner" shall mean the Commissioner for Local Self-Government appointed by the Government;

(4) "councillor" shall mean any person who is legally a member of a municipal council;

(5) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered and any other disease notified by the Government as a dangerous disease;

(6) "Election Commissioner" shall mean the Subordinate Judge having jurisdiction over the area within which the election has been or should have been held and includes any other Judge specially appointed in this behalf by the Government;

(7) "Government" shall mean the State Government.

(8) "Judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge or Munsiff;

(9) "land" shall include land which is built upon or covered with water;

(10) "municipal council" shall mean the council of a town municipality;

(11) "municipality" shall mean any local area which, at the commencement of this Act, is a town or minor municipality and any local area which may hereafter be constituted or declared as a town municipality under sections 4 and 5, if such municipality has not ceased to be a town or minor municipality;

(12) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(13) "occupier" includes any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant;

(14) "official year" shall mean the year commencing on the first day of April;

(15) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant:

Provided that no person receiving the rent of any land or building as agent or trustee for another person shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he has funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty fo omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required;

(16) "prescribed" means prescribed by any rule by the Government under this Act;

(17) "private street" means any street, road, square, court, alley, passage or riding path, which is not a 'public street,' but does not include a pathway made by the owner

393

of a premises on his own land to secure access to or the convenient use of such premises;

(18) "Public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore, or of any other State Government,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by a law in force in the State, or

(*d*) a security expressly authorized by any order which the Government makes in this behalf;

(19) "public street" means any street, road, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes—

(*a*) the roadway over any public bridge or causeway;

(*b*) the footway attached to any such street, public bridge or causeway;

(*c*) the drains abutting to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lines on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the municipal council; and

(*d*) any street which, under any provision of this Act, becomes a public street;

(20) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government;

(21) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Act;

(22) "vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or is capable of being used on a public street;

(23) "whole number" shall mean, when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

Delimitation of town municipalities.

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the *Mysore Gazette*, declare any local area to be a town municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipality.

Limits to be specified in notifications.

(2) Every such notification constituting a new town municipality, or altering the limits of an existing town municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks.

(3) It shall be the duty of the municipal council in every town municipality in existence at the commencement of this Act and of every town municipal council newly constituted under this Act, and of every town municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Commissioner or the Deputy Commissioner of the District and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Commissioner or Deputy Commissioner, defining the limits or the altered limits of the municipality subject to its authority, as set forth in the notification.

Property and rights of municipal council which has ceased to exist to vest in Government.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Conversion of city municipalities into town municipalities.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the *Mysore Gazette* that a city municipality as defined in the Mysore City

Municipalities Act, 1933, shall, with effect from a date to be specified in the notification, be deemed to be a town municipality constituted under this Act and may, at any time, cancel such declaration.

(2) The provisions of the Mysore City Municipalities Act, 1933, shall not apply to any municipality declared as a town municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued or imposed under the Mysore City Municipalities Act, 1933, in respect of a municipality declared as a town municipality, so far as is not inconsistent with the provisions of this Act, and any appointment, notification, order, scheme, rule, bye-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act or of such other law in respect of the town municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued under this Act or such other law.

(4) Before any city municipality is constituted into a town municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a town municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be town municipalities.

6. (1) Any local area which comprises—

(*a*) a town or station or two or more neighbouring towns and stations, with or without any village suburb, or land, adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a town municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under

section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any town, station or suburb in a town municipality with any other town, station or suburb from which it is separated by an extent of more than two miles of land unoccupied by houses ; or

(ii) to constitute any town municipality in any area of which the population is less than three thousand. This shall not however apply to any local area or areas of whatever population, declared as a Town or Minor Municipality under the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Naming of municipalities comprising two or more places.

7. (1) Not less than two months before the publication of any notification declaring any local area to be a town municipality, or altering the limits of any such municipality or declaring that any local area shall cease to be a town municipality, the Government shall cause to be published in the *Mysore Gazette*, in English and Kannada, and to be posted up in conspicuous places in the said local area in Kannada, a proclamation announcing that it is proposed to constitute such local area to be a town municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

Town municipalities.

(2) The Commissioner shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

Constitution and incorporation of town municipal councils.

8. In every municipality, there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of—," and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution of Municipal councils.

9 (1) The municipal council shall consist of such number of councillors as indicated in the following table :—

	Number of Councillors.
Municipalities with a population—	
Not exceeding 10,000 at the last census ...	15
Exceeding 10,000 at the last census ...	20

All the Councillors to be elected.

(2) Subject to the provisions of section 10, all the councillors of every municipality shall be elected.

Reservation of seats for Scheduled Castes.

(3) Seats shall be reserved in municipal council for the Scheduled Castes. The number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the municipal council as the population of the Scheduled Castes in the municipality bears to the total population in the municipality :

Provided that at least one seat shall be reserved in a municipal council for the Scheduled Castes :

Provided further that this sub-section shall cease to have effect after ten years from the commencement of this Act :

Provided further that the second proviso to this sub-section shall not affect any representation in a municipal council until the expiry of the term of office of its members.

Members of Scheduled Castes may stand for election to non-reserved Seats.

(4) Nothing contained in this section shall be deemed to prevent members of the Scheduled Castes for whom seats have been reserved in any municipal council, from standing for election to the non-reserved seats in the council.

Certain officers notified by the Government to attend meetings and speak.

(5) In addition to the councillors referred to in sub-section (1), such persons as from time to time are executing the functions of any office from time to time notified in this behalf by the Government, shall have the right to speak in, and otherwise to take part in the proceedings of the municipal council and any committee of the council, of which they may be named members, but shall not be entitled to move any resolution or to vote.

Appointment by Government when councillor not elected.

10. Any vacancy due to failure to elect the full number of councillors and any vacancy due to failure to elect a councillor under section 18 may, notwithstanding anything contained in this Act, be filled up by appointment by the Government.

Territorial divisions for elections.

11. (1) For the purposes of election of councillors to fill the seats referred to in sub-section (1) of section 9, the municipality shall be divided into 15 or 20 territorial divisions as the case may be, the boundaries of which shall be fixed by the municipal council and approved by the Commissioner by notification in the *Mysore Gazette*.

(2) The Commissioner may, after consultation with the municipal council concerned, by notification in the *Mysore Gazette*, alter the boundaries of any such division.

(3) For each of the territorial divisions, only one councillor shall be elected.

Qualification for enrolment in the electoral roll.

12. (1) Every person of either sex who has attained the age of 21 years in the official year preceding that in which the electoral roll is published and who is not otherwise disqualified under this Act shall be included in the electoral roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 11.

(2) No person shall be included in such electoral roll as qualified to vote at such election unless he has resided in such division for one hundred and eighty days in the aggregate in the official year preceding that in which the electoral roll is published:

Provided that a person shall not be deemed to be disqualified under this sub-section if he is employed in the town municipality and non-residence in the division for the period aforesaid is due to his absence on leave out of the State.

Explanation.—For the purpose of this sub-section, no person shall be deemed to reside in more than one division.

Operation of lists.

13. (1) When, in accordance with the rules made under clause (*b*) of sub-section (2) of section 208, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal electoral roll. The electoral roll shall come into force from the date of its

publication and shall continue in force for a period of four years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new electoral roll shall be published:

Provided that—

(*a*) in the case of an election held after an electoral roll has ceased to have force and before the publication of the new electoral roll, the old electoral roll shall continue to operate as the electoral roll;

(*b*) at any time any person whose name is not in the electoral roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the electoral roll the name of every such person whose claim is proved to its satisfaction;

(*c*) the prescribed authority shall at any time expunge from the electoral roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the electoral roll after affording the person affected an opportunity of being heard;

(*d*) no change in the electoral roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election.

Right to vote to depend on entry in roll.

(2) At every election of councillors, every person enrolled in the municipal electoral roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Enrolment in municipal electoral roll necessary for election as councillor.

(3) A person shall not be qualified to be elected as councillor unless he is enrolled in the municipal electoral roll and a person who is already a councillor shall not be qualified to be a candidate at a bye-election held before his term of office as councillor, expires.

(3) *Municipal Councillors.*

General disqualifications for becoming a councillor.

14. (1) (A) No person shall be qualified for being chosen as, and for being, a councillor—

(*a*) (i) who has been sentenced by a criminal court to transportation or to imprisonment for an offence punishable with imprisonment for a term exceeding six months, provided that (1) the offence is not of a political character or is one which involves

moral turpitude (2) such sentence has not been reversed or quashed or the offence pardoned, or

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who holds any office of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or

(iv) who has been dismissed from municipal, district board or Government service,

(v) if, having been a legal practitioner, he has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or

(vi) who has been removed from office under section 16 of this Act or section 14 of the Mysore City Municipalities Act, 1933, or

(*b*) who is of unsound mind and stands so declared by a competent court, or

(*c*) who is an undischarged insolvent, or

(*d*) who is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State, or

(*e*) who is less than twenty-five years of age; and

(B) No person—

(*a*) who is a subordinate officer or servant of a municipal council, district board, panchayet or Government or

(*b*) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(*c*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,

may be a member of such municipal Council:

Provided that—

(*a*) the disqualification in sub-clause (ii) of clause (A)—(*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in sub-clauses (i), (iv) and (vi) of clause (A) (*a*) will cease to operate after the expiry of four years from the date of such sentence, dismissal, or removal or earlier by an order of the Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (*b*) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by, or on behalf of, the municipal council, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by, or on behalf of the municipal council, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding in any one official year, such amount as the municipal council, may fix in this behalf, or

(vi) having a share or interest in the occasional letting out on hire to the municipal council, or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees or such higher amount not exceeding five hundred rupees as the municipal council may fix in this behalf.

If any person is elected as a councillor in contravention of these provisions, his seat shall be deemed to be vacant:

Provided that nothing in this section shall invalidate the election if the disqualification is such as could have been brought to the notice of the Returning Officer at the time of or before the scrutiny of the nomination papers and has not been so brought to his notice.

(2) If any councillor during the term for which he has been elected or appointed—

Disabilities from continuing to be a councillor.

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion of any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (i), (ii), (iii) or (v) of clause (c) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any proceeding against the municipal council, or

(*c*) absents himself from the meetings of the municipal council, during three successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*d*) fails to pay any arrears of taxes due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power of Government to decide whether vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Resignation.

15. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the receipt of the notice. The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the receipt of the notice.

Liability to removal from office.

16. The Government, if it thinks fit on the recommendation of the municipal council, may remove any councillor elected or appointed under this Act, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

17. Councillors elected at a general election or appointed under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 16, or section 206, hold office for a term of four years, extensible by order of the Government to a term not exceeding in the aggregate five years if, on any occasion, the Government shall think fit, for reasons which shall be notified together with the order in the *Mysore Gazette*, so to extend the same.

Casual vacancies how to be filled up.

18. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20 or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, within a period of three months, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held office if the vacancy had not occurred.

19. The names of persons elected or appointed as the case may be as President, Vice-President and Councillors of municipal councils shall be notified in the *Mysore Gazette*. Notification of names of persons elected.

(4) *Municipal Elections.*

20. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor, any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs to the Election Commissioner appointed by the Government in this behalf for the determination of the validity of the election. Determination of validity of elections, enquiry by judge procedure.

(2) The Election Commissioner may, after such enquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said Election Commissioner may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the Election Commissioner, provided it is only on a point of law and is preferred within one month from the date of such order, exclusive of the time requisite for obtaining a copy of the order. If the Election Commissioner sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

(3) (*a*) The Election Commissioner, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected. Declaration in case of corrupt practice by a candidate.

Scrutiny of votes and declaration in other cases.

(*b*) If in any case to which clause (*a*) does not apply; the validity of an election is in dispute between two or more candidates, the Election Commissioner shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that, for the purpose of such computation, no vote shall be reckoned as valid if the Election Commissioner finds that any corrupt practice was committed by any person known or unknown, in giving or obtaining it.

What is a corrupt practice ?

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section—

(*i*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(*ii*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice. Promise of individual profit.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*b*) of sub-section (2) of section 208 or of an irregularity or informality not corruptly caused, the Election Commissioner shall not set aside the election.

Explanation.—The expression 'error' in this subsection does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or rules made thereunder whereby the result of election has been materially affected.

(6) If the Election Commissioner sets aside an election under clause (*a*) of sub-section (3) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Act or the Mysore City Municipalities Act, 1933, or the City of Bangalore Corporation Act, 1949 or for the office of a member or president or vice-president in a District Board or of a member or chairman in a village panchayet for a term of years not exceeding seven and the Election Commissioner's decision shall be conclusive : Disqualification of candidate for corrupt practice.

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made :

Provided further that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment or removal of a councillor, president or vice-president, unless such suit is authorised by the provisions of this Act or any rule made under this Act. Bar of suits relating to elections, etc.

(5) Municipal Government.

22. Except as in this Act otherwise expressly provided, the municipal Government of a municipality vests in the municipal council. Municipal Government to vest in municipal council.

(6) Presidents and Vice-Presidents.

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president. Every municipal council to have a president and if the municipal council so desires a vice-president.

(2) The President shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf. President to be elected.

Vice-president to be elected.

(3) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Appointment of president or vice-president by the Government.

(4) If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

When Deputy Commissioner and Amildar may perform functions of President.

(5) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being or any officer nominated by him in this behalf not below the rank of an Assistant Commissioner in the case of municipalities at district headquarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other municipalities shall, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, perform the functions of the president.

Consequence of absence of president or vice-president without leave.

(6) Every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, absents himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president, unless leave so to absent himself has been granted by the municipal council.

Limit of grant of leave and arrangements during leave.

(7) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors within such period and in such manner as may be prescribed. If the council fails to elect the president, the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto.

Vacation of office by vice-president on becoming president.

(8) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

(9) Every president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose : Vacation of office by president and vice-presidents for want of confidence.

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one-third of the whole number of councillors and at least fifteen days' notice has been given of the intention to move the resolution.

(10) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts. Removal of presidents and vice-presidents.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

(11) The term of office of every president and of every vice-president shall, save as otherwise provided in this Act, cease on the expiry of two years from the date of his election, provided that in the meantime he does not cease to be a councillor. Term of office of president and vice-president.

(12) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president or of his election being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 14, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy. Vacancies in their office how to be filled up.

(13) The president or vice-president of any municipal council may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government. Remuneration of president and vice-president of municipal council.

Functions of presidents.

24. (1) Subject to the provisions of chapter XIII, it shall be the duty of the president of a municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council and subject to the provisions of the rules for the time being in force under clause (*a*) of section 46, to regulate the conduct of business at such meetings;

(*b*) watch over the financial and executive administration of the municipal council;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Act;

(*d*) subject to the provision of section 35 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides;

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*f*) furnish to the Commissioner or to such other officer as the Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipal council; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Commissioner or the officer authorised by the Commissioner in this behalf from time to time calls for under section 197.

(2) In a municipality for which there is no Executive Officer, the president shall, notwithstanding anything contained in Chapter XIII and independently of such

executive functions as are allotted to him by, or delegated to him under any other provision of this Act, exercise all the powers that may be exercised by an Executive officer in the municipality.

Custody of records.

25. The president shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council and all the committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of vice-presidents.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time delegates to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding, exercise the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 24; and

(*b*) pending the succession, appointment or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

CHAPTER III.

CONDUCT OF BUSINESS.

(1) *Municipal Meetings.*

Provisions in regard to meetings of a municipal council.

27. The following provisions shall be observed with respect to the meetings of a municipal council :—

Ordinary general meetings.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Special general meetings.

(2) The president may, whenever he thinks fit, and shall upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Notice to be given of meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting :

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Act.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Meetings to be held at municipal office.

(5) Every meeting shall, in the absence of both the president and the vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24.

Meeting how presided over in the absence of the president and vice-president.

(6) Every meeting shall be open to the public unless the presiding authority deems any enquiry or deliberation pending before the municipal council such as should be held in private:

Meeting must ordinarily be open to the public.

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which should have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fourth of the whole number of councillors be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought up before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Number of councillors required to form a quorum.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed

Business to be transacted at meetings, and order of business how to be settled.

by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in Kannada, and if the municipal council so resolves in English, either in lieu of or in addition to Kannada, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any voter of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 46.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary personal interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjournments of meetings.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting, whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Modification and cancellation of resolutions.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, may be present at any meeting of such municipal council and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council:

Certain Government officers may attend meetings of municipal councils.

Provided that the said officers shall not be entitled to vote upon any such question.

(*b*) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting:

Municipal council may require the presence of certain of the said officers at their meetings.

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views and

may send him to the meeting as his representative, instead of appearing thereat in person.

Explanation.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal engineering officer in the taluk or the district.

Rights and privileges of individual councillors.

28. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such rules as may be framed by the Government.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the president, provided that the president may, for reasons given in writing, forbid such access.

(2) *Committees.*

Committees.

29. The municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.

When persons other than councillors may serve on committees.

30. Notwithstanding anything contained in this Act, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 29, any persons who are not councillors, but who may, in the opinion of such municipal council, possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

Duties, etc., of such persons.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

31. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof. When Chairman to be *ex-officio*.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman. When no *ex-officio* chairman, municipal council may appoint chairman.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting. When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time a chairman from among its members. If there is no chairman, *ex-officio* or appointed by the municipal council.

32. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word "committee". Procedure at meetings.

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof :

Provided that, notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

Committees shall meet when they think proper.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Procedure by circular.

33. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of an Executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record.

Decisions how to be taken on propositions circulated ; and how to be recorded.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book.

Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.

34. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council ; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

(2) Every order passed by a committee appointed under section 29 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in his behalf.

Orders subject to revision and appeal.

(3) Delegation of powers to individuals.

35. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on any committee by or under section 29; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

Powers, duties and functions may be delegated to officers whose expenses may be paid.

(4) Validity of Proceedings.

36. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

No resolution of a municipal council or any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this Act, in respect of the proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be

Proceedings of meetings to be good and valid, until the contrary is proved.

deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

acancy not o affect unicipal ouncil's roceedings.

(3) During any vacancy in a municipal council or committee, the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint transactions with other Bodies.*

oint committees of wo or more nunicipal ouncils.

37. A municipal council may, from time to time, join with any other municipal council constituted under this Act or under the Mysore City Municipalities Act, 1933, or with any district board, or with more than one such municipal council or board,

(*i*) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee ;

(*ii*) in delegating to any such committee, power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(*iii*) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf shall be final.

(6) *Contracts.*

Competency of municipal council to ease, sell and contract.

38. (1) Every municipal council shall be competent subject to the restrictions contained in sub-section (2) to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it, and so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes

(2) In the case of every free grant of immoveable property whatever may be its value or of every grant for an upset price and of every lease for a term exceeding ten years, and of every sale or other transfer of immoveable property exceeding two thousand rupees in value, the previous sanction of the Government is required:

Subject in certain cases to sanction of Government.

Provided that such sanction shall be presumed to have been accorded unless it is refused within a period of three months from the date of receipt by the Government of the recommendation of the municipal council.

(3) In the case—

(*a*) of a lease for a period exceeding one year or of a sale or other transfer, or contract for the purchase of any immoveable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

Sanction by resolution at general meeting requisite to validity of certain contracts.

the sanction of the municipal council by a resolution passed at a general meeting is required.

(4) In the case of a contract for the purchase of moveable property, or for the sale of any moveable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds one thousand rupees, the sanction of the municipal council is required.

Sanction of municipal council when requisite in other cases.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds ten thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

When tenders should be invited.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Act or of the rules for the time

Sanction by committees and individuals empowered.

being in force thereunder, is empowered in this behalf, is required.

Mode of executing contracts.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of this section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirement of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 52 and Chapter XII.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

39. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such works into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) Compulsory acquisition of land.

Acquisition of land.

40. When any land, whether within or without the limits of the municipality, is required for the purposes of this Act, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Mysore Land Acquisition Act, 1894, and, on payment by the municipal council, of the compensation awarded under the Act and of any other charges incurred by the Government in connection with the acquisition the land shall vest in the municipal council.

(8) *Liabilities of councillors, officers and servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

41. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and members for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the executive officer or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Act shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

42. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Effect of acquiring such interest.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Saving clause.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (i), (ii), and (iv) of clause (*c*) of the proviso to sub-section (1) of section 14, it is permissible for a person to have, without his being thereby disqualified for being a councillor.

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

43. (*a*) Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 14, it is permissible for a person to have, without being thereby disqualified for being a councillor, and

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (i), (ii) and (iv) of clause (*c*) of the proviso to sub-section (1) of section 14, it is permissible for a person to have, without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

44. In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged by the municipal council for misconduct or was engaged for a specified term and discharged at the end of it.

Councillors, etc., to be deemed public servants.

45. (1) Every councillor, officer or servant of a municipality, every auditor appointed under section 189 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

RULES AND BYE-LAWS.

46. (1) The Government shall, as soon as may be, make rules, not inconsistent with this Act,— Government to make rules.

(*a*) regulating the conduct of business and the delegation of any of the powers or duties and the appointment and constitution of committees of a municipal council; Regulating the conduct of business.

(*b*) (i) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, or the executive officer and the delegation of any of its powers or duties to such persons; Fixing the functions of the president and the establishment.

(ii) determining the staff, of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 35;

(*c*) generally for the guidance of the officers and servants of a municipality in all matters relating to its administration; For general guidance of municipal servants;

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security; Fixing the amount of the security to be furnished;

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant; Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave; Granting leave to municipal servants;

(*g*) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants; Contributing to provident funds.

Prescribing the taxes, etc., to be levied for municipal purposes.

(*h*) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the fees to be charged for licences or permissions granted under section 80, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of moveable property under section 94, shall be held ;

For writing off amounts due and remitting fees.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted ;

(2) Every municipal council shall, subject to such modifications as it deems fit, adopt the rules made under sub-section (1), and may from time to time make amendments therein :

Provided that the making of amendments in the rules shall not have effect unless and until it has been approved by the Government.

(3) Notwithstanding anything contained in this section, the rules in force in any municipality on the date of commencement of this Act, shall continue in force until superseded by rules made and adopted under sub-sections (1) and (2).

Power to suspend, reduce or abolish any existing tax.

47. (1) Subject to the requirements of proviso to sub-section (2) of section 46, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 83, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax.

(2) The provisions of Chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

48. (1) The Government shall, as soon as may be, make bye-laws not inconsistent with this Act,— Government to make bye-laws.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and clean conduct of business therein; for regulating the sale of fruit, flowers and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council; For markets and slaughter houses etc.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council— For licensing, regulating and inspecting certain businesses.

(i) as a slaughter-house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish or as a market for the sale of fruit or vegetables;

(iii) for any of the purposes mentioned in section 161;

(iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house, (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters;

(v) as a place for the preparation or manufacture of oil; or

(vi) for any other purpose for which the taking out of a licence is or may be prescribed;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive, or dangerous effect arising or likely to arise therefrom;

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, pigs, sheep or goats, otherwise than in accordance with such terms prescribed in such bye-laws in regard to the number thereof and the places to be used for the purpose, as may be necessary to prevent danger to the public health; Regulating the stalling of cattle, etc.

For regulating dairies and cattle sheds.

(*d*) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers;

Milk-stores, etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter;

For inspection of weights and measures.

(*e*) for the inspection of instruments for weighing and weights and measures under section 156;

For the registration of births, etc.

(*f*) for the registration of births, deaths and marriages, and the taking of statistics within the municipality and for enforcing the supply of such information as may be necessary to make such registration or statistics effective;

Regulating the disposal of the dead.

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

For enforcing information as to epidemics.

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 157 and 158.

For enforcing information as to liability to municipal taxation.

(*i*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein;

(*j*) for the numbering and registration of any vehicle liable to taxation under this Act;

Octroi bye-laws.

(*k*) fixing octroi limits and stations; providing for the exhibition of tables of octroi; requiring a licence to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such licence may be granted, refused, suspended or withdrawn, regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption or for sale within the municipality;

and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

(*l*) for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not; For protecting water.

Explanation.—Sources and means of water-supply shall include private wells which are used by the public.

(*m*) regulating the use of pubic bathing and washing places within municipal limits; Regulating public baths, etc.

(*n*) regulating sanitation and conservancy; For conservancy.

(*o*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (*c*) of section 58; For constructing houses for the poor.

(*p*) regulating the disposal of carcasses of dead animals; For the disposal of carcasses.

(*q*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health; Regulating structures and buildings.

(*r*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose. For regulating construction or use of buildings.

For providing or streets.

(*s*) for preventing the erection of the buildings without adequate provision being made for the laying out and location of streets;

For ensuring ventilation.

(*t*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;

Control of drains.

(*u*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not;

Requiring information and plans in certain cases.

(*v*) determining the information and plans to be required by the municipal council under section 112;

For controlling unwieldy traffic.

(*w*) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such bye-laws or in special licences to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such bye-laws:

Provided that no such bye-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street;

Public parks.

(*x*) securing the protection of public parks, gardens, and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

For licensing factories, the use of steam whistles, etc.

(*y*) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in

respect of which licences may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, as defined in the Mysore Factories Act, 1914, or for the use of whistles and trumpets operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed;

(z) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of bye-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such bye-law.

(2) Every municipal council shall, subject to such modifications as it deems fit, adopt the bye-laws made under sub-section (1) and may, from time to time, make amendments therein:

Provided that the making of amendments therein shall not have effect unless and until it has been approved by the Government.

Publication of drafts of proposed bye-laws.

(3) Every municipal council shall, before adopting any bye-law under sub-section (2), publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the bye-laws proposed to be adopted clearly indicating the modifications, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before adopting the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(4) When any bye-law adopted by a municipal council is submitted to the Government for approval, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

(5) Notwithstanding anything contained in this section, the bye-laws in force in any municipality on the date of commencement of this Act, shall continue in force until superseded by bye-laws made and adopted under sub-sections (1) and (2).

Rules and bye-laws to be printed and sold.

49. The rules and bye-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Act in Kannada shall be kept on sale at cost price.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

Power to acquire and hold property.

50. (1) Every municipal council may acquire and hold property both moveable and immoveable, whether within or without the limits of the municipality.

Property vested in the municipal council.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of whatsoever nature or kind not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act, that is to say—

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works and all bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along-side or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the payements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine. Power to Government to resume property.

51. All money received by or on behalf of the municipal council by virtue of this or any other Act; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act; all proceeds of land or other property sold by the municipal council, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section: Municipal fund.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust. Provision as to special trusts.

52. The municipal fund and all property held by or vested in the municipal council under this Act, shall be applied, subject to the provisions of this Act for the purposes specified in sections 55, 56 and 58 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the commissioner or the Government, for any other purpose for which the application of such property or fund is in the public interests. Application of municipal fund and property.

53. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary. Power to deposit and invest surplus funds.

Surplus not so deposited or invested how to be dealt with.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Power of municipal councils to borrow money.

54. A municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act.

CHAPTER VI.

OBLIGATORY AND DISCRETIONARY FUNCTIONS OF MUNICIPAL COUNCILS.

Obligatory duties of municipal councils.

55. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :—

(*a*) lighting public streets, places and buildings ;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not; removing noxious vegetation; and abating all public nuisances;

(*d*) extinguishing fires and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and protection in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(*g*) securing or removing dangerous buildings or places and reclaiming unhealthy localities ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewage works, baths, washing places, drinking fountains, tanks, wells, dams and the like ;

(*j*) obtaining a supply of or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(*k*) naming streets and numbering houses ;

(*l*) registering births and deaths ;

(*m*) public vaccination ;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph ;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 138 of this Act ;

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits ;

(*r*) printing such annual reports on the municipa administration of the municipality as the Government, by general or special orders, requires the municipal council to submit

(*s*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Act or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police ;

(*t*) if the Government so requires, compost making.

Special duties.

56. Every municipal council shall make reasonable provision for the following special matters namely :—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease ; and taking such measures as may be required to prevent the outbreak or suppress and prevent the recurrence of the disease ;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

Power of Government to exempt municipal council from any of the duties.

57. Notwithstanding anything contained in sections 55 and 56, the Government may exempt any municipal council from any of the provisions of those sections or may declare that, in regard to any municipal council, any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 58.

58. Municipal councils may, at their discretion, provide ut of the said property and fund, either wholly or partly, or—

Discretionary powers of expenditure of municipal councils.

(*a*) laying out, whether in areas previously built upon or ot, new public streets, and acquiring the land for that urpose, including the land requisite for the construction f buildings or curtilages thereof, to abut on such street ;

(*b*) constructing, establishing, or maintaining public arks, gardens, libraries, museums, lunatic asylums, halls, ffices, dharmasalas, choultries, musafarkhanas, rest-houses nd other public buildings;

(*c*) constructing and maintaining, where necessary, uitable sanitary houses for the habitation of the poor and ranting loans for the construction of such houses or for ffecting necessary improvements connected therewith ;

(*d*) providing accommodation for any class of servants mployed by the municipal council or granting loans to such ervants for construction of houses, subject to the rules rescribed in this behalf ;

(*e*) granting loans to encourage local arts and industries;

(*f*) planting and maintaining roadside and other rees ;

(*g*) taking statistics and granting rewards for information vhich may tend to secure the correct registration of vital tatistics ;

(*h*) making a survey ;

(*i*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 161 ;

(*j*) supplying, constructing and maintaining receptacles, ittings, pipes and other appliances whatsoever, on or for he use of private premises, for receiving and conducting he sewage thereof into sewers under the control of the nunicipal council ;

(*k*) establishing and maintaining a farm or factory for he disposal of sewage;

(*l*) providing music for the people ;

(*m*) the promotion of public health or infant welfare ;

(*n*) contribution towards any public fund raised for the relief of human suffering, within or without the municipality ;

(*o*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality ;

Provided that no such previous sanction shall be necessary if such resolution is passed unanimously ;

(*p*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life ;

(*q*) housing and maintaining destitute orphans and destitute cripples ;

(*r*) subject to the provisions of the Mysore Warehouses Act, 1950, constructing, establishing and maintaining warehouses, and

(*s*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out the purposes of this Act, expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the whole number of councillors and with the approval of the Government, to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

59. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council, or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management of public institutions maintained by municipal councils to vest in it.

60. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) *Imposition of Taxes.*

Taxes which may be imposed.

61. Any municipal council—

(*a*) after observing the preliminary procedure required by section 62, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 63, the Government, in according such sanction deems fit, may impose, for the purposes of this Act, any one or more of the following taxes at rates not exceeding those prescribed in Schedules I to VI [except the levy under clause (*xiii*) which shall be levied in accordance with the provisions of section 65,] that is to say,—

(*i*) a rate on buildings or lands or both situated within the municipality ;

(*ii*) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use ;

(*iii*) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding ;

(*iv*) an octroi on animals or goods, or both brought within the octroi limits for consumption, use or sale therein ;

(*v*) a stand fee for bus stands established or maintained by a municipal council ;

(*vi*) a tax on dogs kept within the said municipality ;

(*vii*) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required ;

(*viii*) a general sanitary cess for the construction or maintenance, or both construction and maintenance of public latrines and underground drainage and for the removal and disposal of refuse ;

(*ix*) a water-rate or water-rates for water supplied by the municipal council, which may be imposed in the form of rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case;

(*x*) a lighting tax;

(*xi*) a tax on arts, professions, trades and callings and on offices and appointments;

(*xii*) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession:

Provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (*xi*) in respect of the business or professions carried on in the shop or place;

(*xiii*) a duty on transfers of immoveable property in the shape of an additional stamp duty:

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purpose of profit, or any building or part of any building belonging to the Central Government;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit, or any vehicle, animal or other property belonging to the Central Government;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

(*b*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the

Maharaja or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja;

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(*d*) the Government may, by order, grant and define other exemptions in exceptional cases from payment of tolls and other taxes imposed under this Act;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Armed Forces of the Union or in respect of one bicycle and one horse kept by the members of the Mysore Police Force for the performance of their official duties;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has—

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess; one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing tax.

62. A municipal council, before imposing a tax, shall observe the following preliminary procedure:—

(*a*) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 61, and prepare rules for the purposes of clause

(*h*) of section 46, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make ;

(ii) the amount or rate at which the municipal council proposes to assess each such class ;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed ;

(iv) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of Schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may within one month from the publication of the said notice, send his objection in writing to the municipal council ; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon ; and, unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to sanction, modify and impose conditions.

63. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject—

(i) to such modifications not involving an increase of the amount to be imposed, or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this

Act specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice.

64. All rules sanctioned under section 63 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 63 the sanction was given.

Provided that—

(*a*) a tax leviable by the year—

(i) shall not come into force except on one of the following dates, *viz.*, the first day of April—the first day of July—the first day of October—the first day of January—in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first of April, it shall be leviable by the quarter, till the first day of April then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 46, prescribing the mode of levying and recovering the tax therein specified and the dates on which it or the instalments, if any, thereof, shall be payable,

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

Duty on certain transfers of immoveable property.

65. (1) The duty on transfers of immoveable property shall be levied in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1900, on instruments

of sale, gift and mortgage of immoveable property situated within the limits of the Municipality at a rate not exceeding one per centum on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument :

Provided that no such duty shall be leviable in respect of mortgages where the amount secured by a mortgage does not exceed Rs. 1,000.

(2) On the introduction of the transfer duty—

(*a*) section 27 of the Mysore Stamp Act, 1900, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the municipality ;

(*b*) section 64 of the same Act shall be read as if it referred to the municipal council as well as the Government.

(3) The Government may make rules for regulating the collection of the duty, the payment thereof to the municipal council and the deduction of any expenses incurred by the Government in the collection thereof.

(4) No duty shall be chargeable in respect of any instrument executed by or on behalf of or in favour of the Government in cases where, but for this exemption, the Government would be liable to pay the transfer duty under this section in respect of such instruments.

Seizure and sale of vehicles not bearing numbers.

66. (1) If any direction for the numbering and registration of a vehicle contained in any bye-law made under clause (j) of sub-section (1) of section 48 is not observed in respect of any vehicle, then any authority empowered in this behalf by the municipal council may, at any time, seize and detain the vehicle or the animal, if any, by which it is drawn or both :

Provided that no vehicle other than a bicycle, tricycle or rikshaw shall be seized and detained when actually employed in the conveyance of any passenger or goods.

(2) If a vehicle or animal is detained under sub-section (1) and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon and other amounts due under sub-section (4) within ten days from the date of seizure, such authority as the municipal council may empower in this behalf may

direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(*a*) the tax, if any, due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority may direct, and

(*c*) the charge incurred in connection with the seizure, detention and sale.

(3) If there is a surplus after such payment, the municipal council shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the municipal council.

(4) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(*a*) the tax due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority specified in sub-section (1) may direct, and

(*c*) the charges incurred in connection with seizure and detention.

(2) *Assessment of and Liability to Taxes.*

Appointment of assessor.

67. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both in each municipality, the Government shall appoint an assessor.

(2) The municipal council shall afford all clerical and other necessary help to the assessor to discharge his duties under the Act and shall bear all expenditure incidental thereto.

Preparation of an assessment list.

68. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing—

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual letting value or other valuation on which the property is assessed; and

(e) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(a) as to the name and place of abode of the owner or occupier or of both;

(b) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

69. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Act "the holder" of such premises without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such infirmation as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

70. When the assessment list has been completed, the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment list.

71. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Revising authority.

(2) The revising authority to whom objections under sub-section (1) may be made shall be the municipal council or any committee to which the municipal council may delegate this function or an officer of the Government to whom with the permission of the Government, the municipal council may delegate this function.

Objections how to be made.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Hearing of objections.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,—

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (3), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment list.

Authentication of list.

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority and sent to the Commissioner for approval.

Custody and inspection of list.

(6) The list so approved by the Commissioner shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Authenticated list how far conclusive.

(7) Subject—

(*a*) to such alteration as may thereafter be made therein under the provisions of the next following section, and

(*b*) to the result of any appeal made under section 99,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

—(i) for the purposes, for all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings and lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

72. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections how dealt with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 68, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 98, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other

cases on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

New assessment list need not be prepared every year.

73. (1) It shall not be necessary to prepare a new assessment list every year. Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 70, 71 and 72 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

74. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely,—

(*a*) if the property is let, from the lessor;

(*b*) if the property is sublet, from the superior lessor;

(*c*) if the property is unlet, from the person in whom the right to let the same vests:

Recovery from occupiers.

Provided that, on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater:

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this

section, he shall be entitled tocredit in account with the person primarily liable for the payment of that sum.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

75. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice on such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

76. (1) The notice to be given under the last preceding section shall be in the form either of Schedule VIII or Schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Act, 1903.

Name of transferee to be substituted in the Municipal registers.

77. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be prescribed, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

78. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 100, for the recovery of the taxes due thereupon.

Remission of tax in case of vacancies when obligatory.

79. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council may remit or refund not less than one half of the amount of the rate, or of the cess, or instalment of the cess, as the case may be:

When discretionary.

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

(2) When any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purpose of this section, a building or land shall be deemed to be productive of rent if let to a tenant who has continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge Fees.*

Municipal council may charge fee for certain licences.

80. (1) When any licence is granted by the municipal council under this Act or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such licence or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or licence. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by bye-laws under clause (*a*) of sub-section (1) of section 48, for the use of any such places mentioned in that sub-section, as belong to the municipal council.

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special Provisions relating to certain Taxes.*

Composition of tol.l

81. (1) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle within the limits of the municipality.

Recovery of sums claimed under this section.

(2) Every sum claimed by the municipal council as a lumpsum payable under sub-section (1) shall, for the purposes of Chapter VIII, be deemed to be, and shall be

recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Power of Government to suspend or prohibit levy of objectionable taxes.

82. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence or that the levy thereof or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the *Mysore Gazette*, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

83. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 200 or under section 202, the Government may, by notification, require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 61, if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 62.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may take against the imposition or enhancement of such tax ;

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may, at any time, cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears

45\

theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

Octroi bye-laws to be submitted with proposal for imposition of octroi.

84. Every municipal council, when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for approval a draft of bye-laws for the purposes of clause (*k*) of sub-section (1) of section 48, after observing the requirements of sub-sections (2), (3) and (4) of that section.

Power to examine articles liable to octroi.

85. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality, any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article, and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or the president or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

86. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

(2) If goods passing into a municipality are liable o the payment of octroi, then every person who, with the atention to defraud the municipal council, causes or bets the introduction of, or himself introduces or ttempts to introduce within the octroi limits of the said unicipality, any such goods upon which payment of the ctroi due on such introduction has neither been made ıor tendered, shall on conviction by a magistrate be ounishable with fine which may extend to ten times the 'alue of such octroi or to two hundred rupees whichever nay be greater, or with simple imprisonment which may xtend to one month.

Penalty for evasion of octroi.

87. (i) Any person—

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

hall be liable, on conviction before a Magistrate, to a fine iot exceeding ten times the octroi due on all the articles o sold or kept for sale, or possessed or one hundred upees, whichever may be greater, and

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(ii) Any officer of the municipal council authorised by he municipal council in this behalf, if he has reason to believe that any article on which octroi has not been paid out which is liable to octroi and for the sale of which a icence is required to be obtained is kept or concealed in ny premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises nd if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles

Provided that any article or person so seized or arrested hall be produced before a Magistrate exercising jurisdic- ion within the municipality within twenty-four hours rom the time of such seizure or arrest:

Provided also that nothing in this section shall apply o any article liable to octroi and for the sale of which licence is required to be obtained, if the value of such rticle does not exceed two hundred rupees and if it is

kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section.

Tables of tolls to be shown on demand.

88. Every municipal council imposing any toll under this Act shall cause to be kept at each place, where such toll is to be collected a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Power to seize vehicle on non-payment of octroi or toll.

89. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of Schedule XII.

Notice of sale.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold and the proceeds of such sale shall be applied in

payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council. Surplus, how dealt with.

90. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

91. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Act by public auction or private contract. Farming of tolls.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 86: providedthat no article distrained may be sold, except under the orders of the municipal council.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

Presentation of bill for taxes.

92. (1) When any amount—

(*a*) which, by or under any provisions of this Act, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of section 89, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which is now imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of bills.

(2) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the persons to whom such bill has been presented a notice of demand in the form of Schedule X, or to the like effect.

In what cases warrant may issue.

93. (1) If the person on whom a notice of demand has been served under sub-section (3) of section 92, does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the executive officer, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 99 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of Schedule XI or to the like effect, by distress and sale of the moveable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the President of the municipal council causing the same to be issued, or by the executive officer, if any.

To whom the warrant should be addressed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Act or the City of Bangalore Municipal Corporation Act, 1949, or the Mysore City Municipalities Act, 1933 or in a place which is not a municipality constituted under the aforesaid Act, the warrant shall be addressed to the Commissioner of the Corporation or of the municipal council concerned, or to the Amildar of the taluk as the case may be: provided that such Commissioner or Amildar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how to be executed.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any moveable property of the person named in the warrant issued under sub-section (1), as defaulter, subject to the following conditions, exceptions and exemptions, namely, —

(*a*) The following property shall not be distrained—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall, on distraining the property forthwith, make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of Schedule XII.

Sale of goods distrained in special cases.

94. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of property distrained; application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property, is paid, be, on the expiry of the time

specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

Distraint and sale outside the municipality.

95. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case, it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 94.

Procedure when distraint is impracticable.

96. (1) If, for any reason, the distraint or a sufficient distraint of the defaulter's property under the foregoing provisions of this chapter is impracticable, the municipal council may prosecute the defaulter before a magistrate:

Provided that an occupier of a building or land, in respect of which any tax remains unpaid, in whole or in part, shall not be liable to prosecution in respect of any sum recoverable from him unless he has wilfully prevented distraint or a sufficient distraint of moveable property found on the building or land.

(2) Every person who is prosecuted under sub-section (1) shall be liable on proof, to the satisfaction of the magistrate, that he wilfully omitted to pay the amount

due by him, to pay a fine not exceeding twice the amount which may be due by him on account of—

(*a*) the tax and warrant fee, if any, and

(*b*) if the distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(3) Whenever any person is convicted of an offence under sub-section (2), the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the municipal council the amounts, if any, due under the heads specified in clauses (*a*) and (*b*) of sub-section (2) and may in his discretion also recover summarily and pay to the municipal council such amount, if any, as he may fix as the cost of the prosecution.

Summary proceeding may be taken against persons about to leave the municipality.

97. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the moveable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

98. Fees for—

(*a*) every notice issued under sub-section (3) of section 92,

(*b*) every distress made under sub-section (5) of section 93, and

(*c*) the cost of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates, respectively, specified in such behalf in the rules of municipal council, and shall be included in the costs of recovery to be levied under section 94.

99. (1) Appeals against any notice of demand issued under sub-section (3) of section 92, may be made to any magistrate by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried. Appeal to magistrates.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within one month next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the grounds, on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council, as the case may be, within the time fixed in the notice given under section 71 or 72 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 92, to the municipal council within fifteen days next after the presentation of such bill, and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

(2) The decision of the magistrate upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his decisions ordinarily lie. Revision of decisions on appeal.

(3) Effect shall be given by the municipal council to every decision of the said magistrate on any appeal or any decision in revision on such appeal.

100. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 74, shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes and shall be recoverable as arrears of land revenue: Liability of land, buildings, etc., or rates.

4597

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than three years or for a period during which such occupier was not in occupation.

Suspension of power to recover by distress and sale.

101. The Government may, at any time by notification, suspend the operation of sections 93 and 94, in any municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a magistrate, in the manner provided in sub-section (2) of section 174 for the recovery of such fines as are therein referred to, and not otherwise.

Receipts to be given for all payments.

102. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

460

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

Power regarding streets, etc.

103. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and subject to the provisions of sub-section (2) of section 38, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Act.

(2) In laying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any public steet, in addition to the land required for the carriage-way and foot-way and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and subject to the provision contained in sub-section (2) of section 38, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Temporary closure of streets.

104. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Act:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

The regular line of public street.

105. (1) It shall be lawful for the municipal council to prescribe, with the sanction of the Government, a line on either side or both sides of any public street within the municipality and the municipal council may, from time to time, prescribe a fresh line in substitution of any line so prescribed or for any part thereof:.

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the *Mysore Gazette* and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the 'regular line of the public street.'

(3) (*a*) Except under the provisions of section 126, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 109.

(*b*) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be acquired by the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 172, shall be paid by the municipal council to the owner of any land acquired by the municipal council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate, buildings, etc.*

Setting back projecting buildings.

106. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 105, or beyond the front of the building on either side thereof, the municipal council may,

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burnt down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the and not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 172, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 131 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 131, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

107. The municipal council may, upon such terms as it thinks fit, allow any building to set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

108. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Roofs and external walls of buildings not to be made of inflammable materials.

109. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Act shall not be made of grass, wood, cloth, canvas, leaves, mats, or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

(2) The municipal council may, at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the municipal council. Power to require removal of roof and wall if inflammable.

(3) Whoever, without such consent as is required by sub-section (1), makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which offence is continued after the date of the first conviction. Penalty.

110. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the municipal council. Level of building.

111. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building. Rat-proof building for warehouse for storing grain.

112. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 106 to enforce a removal or set back, or to construct or reconstruct which the municipal council is empowered by section 105 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing and shall furnish to it at the same time, a plan showing the levels at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all Notice of new buildings.

information required by the bye-laws or demanded by the municipal council regarding the limits, dimension, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

Power of municipal council to pass orders.

(2) Save as otherwise provided in this Act or the rules and bye-laws thereunder, the municipal council may—

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Act and the rules and bye-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with, unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction, or

(*d*) refuse permission to construct, alter, add or reconstruct according to the plan and information furnished, in case the Municipal Council is satisfied that the person so applying has no right to the land in question or has no right to construct, alter, add or reconstruct :

Provided that the direction in clause (*c*) shall not be in force after one year from the date on which the direction is given.

Or to suspend the work or to require further particulars.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Act or of any bye-law for the time being in force thereunder in the following cases, that is to say :— **Right to proceed in certain cases.**

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2), and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (3), any provisional order or any demand for further particulars;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the bye-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) If any person begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4) without awaiting, or in any manner contrary to, such orders of the municipal council as may be issued under this section or contrary to the provisions of sub-section (4) or (5) or in any other respect contrary to the provisions of this Act or of any bye-law in force thereunder,

(i) the municipal council may, whether any action is taken or not against such persons under clause (ii) of this section,

(*a*) direct that the building, alteration or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished as it may deem necessary ;

(ii) such person shall be punishable with fine which may extend to five hundred rupees or with simple imprisonment which may extend to one month or with both.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Act or of any bye-law made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed such building or work, or if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or bye-law to be amended, or to do anything which, by any such provision or bye-law, he may be required to do but which has been omitted.

Explanation.—The expression "to erect a building" throughout this chapter includes—

(*a*) any material alteration, enlargement or reconstruction of any building,

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter be deemed to be a new building.

Power of Government to prohibit the erection of buildings in certain area without permission.

113. (1) Notwithstanding anything contained in section 118, the Government may, in the public interest and after consulting the municipal council, prohibit by notification published in the *Mysore Gazette* the erection of any building within a specified area in a municipality, except with permission granted by the Government in this behalf :

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall, on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

Regulation of huts.

114. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the municipal council, and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land

469

on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as, having regard to sanitary considerations, the municipal council may think fit.

Improvement of huts.

115. (1) Whenever the President is of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation, or subsequently erected, are by reason—

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the President for that purpose, to take down and remove such hut or shed, or to execute such operations as the President may deem necessary for the avoidance of such risk. Any person aggrieved by an order of the President under this sub-section may apply to the Municipal Council to cancel, amend or revise such order and the Municipal Council may, on such application cancel, amend or otherwise revise the order of the President.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the President may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the President, the President shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the President until the person interested

therein shall obtain the order of a competent Court for the payment of the same:

Provided always that, in case any huts or sheds, existing at the time when the land on which they are situate, first became part of a municipality, should be pulled down under this section by order of the President or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 172.

(3) *Powers connected with drainage, water-works, etc.*

Municipal control over drains, etc.

116. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may, by written notice, call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

Powers for making drains.

117. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

(2) The municipal council or any officer appointed by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section, no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 172 shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

118. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may, by written notice, call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

119. The owner or occupier of any building or land within the municipality shall be entitled to cause his drain to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes, as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

120. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or shifted or removed from any building or land or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may, by written notice, call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper. Provision of privies, etc.

(2) The municipal council may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may, by written notice, require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

121. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit. Cost of altering, repairing and keeping in proper order privies, etc.

(2) The municipal council may, by written notice, require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which, in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.

122. The municipal council may, by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulation or bye-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith, shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

123. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may, by written notice, require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or rebuilt over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may, by written notice, require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

124. The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

125. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality. **Power of carrying water mains, etc.**

(4) *Powers regarding external structures, etc.*

126. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by bye-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets. **Permission necessary for certain projections.**

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which— **Removal of projections.**

(*a*) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(b) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 172.

Troughs and pipes for rain water.

127. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of brackets, etc., to houses.

128. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

129. (1) The municipal council may, from time to time, cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may, from time to time, fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Removal and trimming of hedges, trees, etc.

130. The municipal council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health, safety and convenience.*

Ruinous or dangerous buildings.

131. (1) If any building or any thing affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Action to be taken on default by owner or occupier.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal

476

council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured:

Proviso if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

132. (1) The municipal council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is, in the opinion of the municipal council, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or

(*e*) desist from using and from permitting others to use for drinking purposes any such source of water-supply which, not being a stream in its

natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking; or

(*f*) if, notwithstanding any such notice under clause (*e*), such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close either temporarily or permanently or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy for non-compliance with direction issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the municipal council may, and if, in its opinion, immediate action is necessary to protect the health or safety of any person shall at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII:

Provided that, in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

133. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Obstruction and encroachments upon public streets and open spaces.

134. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government, the permission of the Deputy Commissioner shall have first been obtained and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees

for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 126, or in any case where permission has been given under sub-section (4) of this section.

135. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work— **Hoardings to be set up during repairs etc.**

(*a*) first obtain a licence in writing from the municipal council so to do, and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoarding or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

136. (1) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains, **Fencing and lighting during repairs, etc.**

or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

137. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues after the date of the first conviction.

Provision as to dogs.

138. (1) The municipal council may, by public notice require that every dog, while in the streets and not being led by some person, shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided

a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days: provided that any dog which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by Chapter VIII.

(6) Powers for the prevention of nuisance.

Depositing dust, etc.

139. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nallah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described or, except with the permission of the municipal council, any night soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

140. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

141. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Filthy buildings, etc.

142. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit

for human habitation, it may further, by written notice, prohibit the using thereof for that purpose until it is so rendered fit.

Power to enter and inspect, etc., buildings.

143. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Abatement of nuisances from wells, etc.

144. (1) If, in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(*b*) If any such work is begun or completed without such permission, the municipal council may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe; or

(ii) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

145. The municipal council, on the report of the Director of Public Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Using offensive manure, etc.

146. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses nightsoil or other manure or substance emitting an offensive smell shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

147. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Feeding animals on filth.

148. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Licences to be taken for burning bricks.

149. (1) No place within municipal limits shall be used for burning bricks without a licence from the municipal

485

council and except in accordance with the conditions specified therein.

(2) The municipal council may, by an order and under such restrictions as it thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire on such date as may be specified therein.

(7) Regulation of markets, sale of food, etc.

Licensing markets, slaughter-houses and certain businesses.

150. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), (iv) and (v) of clause (*b*) of sub-section (1) of section 48, except under and in accordance with the conditions of a licence from the municipal council which may, at its discretion from time to time, grant, suspend, withhold or withdraw such licences either generally or in individual cases.

(2) The municipal council may, having regard to the local conditions of the municipality, fix the number and category of places which may be used for the purposes specified in sub-clause (iv) of clause (*b*) of sub-section (1) of section 48, and direct the closure of such places, as may be specified by it, used for the said purposes, in excess of those fixed by it :

Provided that no place shall be directed to be closed except after notice of not less than thirty days.

(3) Whoever uses or permits the use of any place contrary to the direction, or without the licence required by sub-section (1), or in contravention of any of the conditions or during the suspension or contrary to a direction under sub-section (2) directing the closure of the place, shall be punished with fine which may extend to twenty-five rupees.

(4) Upon a conviction being obtained in respect of any place under sub-section (3) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed,

486

shall be punished with fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing and letting of markets and slaughter-houses.

151. (1) The municipal council may, from time to time, open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house, and levy fees on any animal slaughtered in any slaughter-house, for purposes of consumption.

(2) Any person who, without the permission or licence of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc., beyond municipal limits.

152. It shall be lawful for the municipal council with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Act and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

153. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Act or if the shop or place is established after the commencement of this Act then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council shall, upon payment of such fees as may be

prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a licence which shall be displayed in some conspicuous part of the premises registered.

Certificated dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality.

Uncertificated person dispensing drugs.

154. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 153, shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his licence.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 153, fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

Unwholesome articles of food and drink.

155. (1) The president or any person authorised by the municipal council in this behalf, may, at any reasonable time, enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president or the authorised person may destory it, or

487

dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) No article of food or drink shall be exposed for sale without proper and hygienic protection.

(5) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under sub-section (6).

(6) If any animal, article or drug is brought before a magistrate under sub-section (5), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees:

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

False weights and measures and instruments for weighing.

156. The president, vice-president, executive officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

419

(8) *Prevention of Dangerous Diseases.*

Powers which may at any time be exercised.

157. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for the prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf;

(*b*) power to direct or authorise the inspection without notice, or with such notice as to the person directed or authorised to inspect appears reasonable of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease;

(*d*) power to require, by written notice, the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or

in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council;

(*e*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(*f*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who, in a municipality, disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep, or goats.

158. If, in any municipality, any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

159. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Proceedings to abate the overcrowding of the interiors of buildings.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who, after the date specified in any requisition issued under sub-section (2), permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such commission to vacate, continues.

160. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health

Closing places for disposal of the dead.

it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may, by notification, direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the *Mysore Gazette* and shall be posted up at the municipal office and in one or more conspicuous spots in or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

161. (1) No place within the limits of the town shall be used for any of the purposes mentioned in Schedule XIII without a license obtained from the municipal council and except in accordance with the conditions specified therein.

(2) The president shall, if so required by the municipal council, publish a notification in the *Mysore Gazette* and in two or more local newspapers that any place at a distance within two miles of the limits of the municipality shall not be used for any one or more of the purposes mentioned in Schedule XIII without a licence obtained from the President and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect—

(*a*) unless the sanction of the Government has been obtained therefor ; and

(*b*) until the expiry of thirty days from the date of its publication in the *Mysore Gazette.*

(3) The owner or occupier of every place for the use of which for any purpose a license is required under sub-section (1) or sub-section (2) shall apply to the President for such license, not less, than thirty days of the publication of the notification under sub-section (2) in the *Mysore Gazette*, as the case may be.

(4) Every application for a license for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and the measurements of such place.

(5) The President may grant such licenses, subject to such restrictions and regulations as may be specified by him therein; or he may refuse to grant such license.

(6) Every such license shall expire at the end of the year for which it is granted, or at such earlier date as the President may, for special reason, specify in the license.

(7) Applications for renewal of such licenses shall be made not less than thirty days before the commencement of the year for which the renewal is sought.

(8) Where a license is granted under this section for the use of any place outside the limits of the municipality, the municipal council shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the municipal council for the grant or renewal of such license as the Government may, by general or special order, determine.

Factories in crowded localities.

162. (1) In any municipality, no person shall establish in any premises any factory, as defined in the Mysore Factories Act, 1936, without the previous written permission of the municipal council.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-laws framed in this behalf.

(3) Whoever establishes in any premises any factory, as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to five hundred rupees.

Use of siren or whistle for summoning or dismissing workmen.

163. (1) In any municipality, no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license, subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the license has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees.

Use of loud speakers.

164. In any municipality, no person shall use in any place a loud speaker of any kind except under and in accordance with the conditions of a license from the President of the municipal council:

Provided that this section shall not apply to any place of public meeting or public resort.

Brothels.

165. In any municipality, any magistrate of the first class, onreceiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used:

Provided that action under this section shall be taken only on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of Notices and Penalties on non-compliance therewith.*

Service of notices, etc., addressed to individuals.

166. (1) The service of every notice and the presentation of every bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf,

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address; or

(*d*) if none of the means aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notice, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them, or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid; or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

496

Public and general notices how to be published.

(3) Every notice which this Act requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in bye-laws in this behalf prescribes.

Defective form not to invalidate notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice, it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 173.

Punishment for disobedience of orders and notices not punishable under any other section.

167. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

497

Municipal council in default of owner or occupier may execute work and recover expense.

168. (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as the municipal council may deem fit.

Power to levy charges on occupier who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time later such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at

the time of such demand or which has since accrued, shall be upon such occupier :

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier in default of owner, may execute works and deduct expenses from his rent.

169. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings, if any, occupier opposes the execution of the Act.

170. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order ; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day, during which, he so continues to refuse be punished with fine which may extend to fifty rupees ; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Act.

171. It shall be lawful for the president, vice-president, executive officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose

of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land :

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier :

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Determination of compensation in certain cases.

172. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Act directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the taluk in which the municipality is situated and in the absence of such an officer, by the Deputy Commissioner :

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a Civil Court of competent jurisdiction.

(2) In any case where the compensation is claimed in respect of any land, the procedure prescribed by the Mysore Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the Court shall, as far as may be, be followed.

Costs or expenses how determined and recovered.

173. If a dispute arises with respect to any cost or expenses which are directed to be paid by any person under this chapter, the amount, and if necessary the apportionment, of the same shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

500

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipal council may prosecute.

174. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any rule or bye-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund :

Provided that no prosecution for an offence under this Act or rule or bye-law framed thereunder shall beinstituted, except within one year next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Act or under any rules or bye-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

mprisonment
ı default of
ayment and
ecovery and
ayment of
nes.

175. (*a*) In case of any fine, costs, tax or other sum of money imposed, assessed or recoverable by a magistrate under this Act or under any rule, bye-law, or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code as in force in Mysore.

(*b*) Any fine, costs, tax or sum imposed, assessed or recoverable by a magistrate under this Act, or any rule, bye-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1904, and the same shall on recovery be paid to the municipal council.

176. A municipal council may—

Power to compound offences

(*a*) compromise with any person who, in the opinion of the municipal council, has committed an offence punishable under this Act or any bye-law thereunder and on such compromise, no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Act or under any bye-law made thereunder;

(*c*) compound any offence against this Act or against any bye-law made thereunder which may, by rules made by the Government, be declared compoundable:

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offence under this section.

Limitation for distraint, etc.

177. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Act after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress lawful, though defective in form.

178. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to municipal property how made good.

179. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage

502

on demand, the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

180. In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of compromise.

181. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Act.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

182. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council, the municipal council shall be deemed to be a superior holder, and every such person, an inferior holder of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled for the recovery of every such amount, to all the assistance to which under the said sections, superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Limitation of suits, etc.

183. (1) No suit shall be instituted against any municipal council, president, councillors, officers, servant or any person acting under the direction of such municipal council, president, councillors, officer or servant for any thing done or purporting to be done under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in the section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of police officers.

184. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Act, or of any rule or bye-law thereunder, if the name and address of such person be unknown to him, and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Act, or of any rule or bye-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition of expenditure not budgetted for.

185. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Act or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) sums which the municipal council is required or empowered by this Act, to pay by way of compensation :

(*d*) every sum payable—

(*i*) under sections 200 and 207 by order of the Deputy Commissioner and under sections 201 202, 203, and 205 by order of the Government,

(*ii*) under a decree or order of a civil court passed against the municipal council,

(*iii*) under a compromise of any suit or other lega proceeding or claim ;.

(*e*) expenses incurred in the exercise of powers conferred by clause (*a*) of section 56 and sections 157 and 158 ;

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities.

Presentation of accounts.

186. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of April last preceding and at a general meeting which shall be held between the first day of November and the first day of January a complete account of the actual and expected receipts and

505

expenditure for the official year ending on the thirty-first day of March next following, together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of April next following.

Budget estimate.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the municipal council shall be sent to the Government and a copy thereof sent simultaneously to the Commissioner and the Deputy Commissioner of the district for information.

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this Act or any other law;

(*b*) provide for the payment, as they fall due of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it;

(*c*) provide for the payment of all sums payable to the Government under sections 201 and 202, and of all contributions for the maintenance of water supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may be required to meet the establishment charges for a period of three months.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

(5) The Government may modify the Budget or any part thereof so as to secure compliance with any of the provisions of this Act or of the rules made thereunder.

Revision of budget.

187. If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government,

506

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 186, and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 186.

Maintenance of accounts and restrictions on expenditure.

188. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in April or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

189. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

190. The Government auditor may—

(*a*) by written requisition, require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document

or to answer any question or prepare and submit any statement.

Duties of Government auditor.

191. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

Municipal council to remedy defects.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

192. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from order of Deputy Commissioner.

193. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal Civil Court of original jurisdiction to set aside such charge and the Court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to cost as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

194. Every sum certified to be due from any person by the Deputy Commissioner under this Act, shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the Court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission of accounts to Government.

195. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same, as the Government or such officer may, from time to time, direct.

Annual administration report.

196. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Deputy Commissioner and the Commissioner a report on the administration during the preceding official year in such form and with such details as the Government may direct.

(2) The President shall prepare the report and place it before the municipal council for consideration, and forward it to the Deputy Commissioner and the Commissioner with the resolution of the council thereon.

(3) The report may be published in such manner as the municipal council may direct.

CHAPTER XII. 509

CONTROL.

Commissioner's powers of inspection and supervision.

197. The Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction;

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish;

(*c*) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

Deputy Commissioner's power of inspection of offices of municipal councils.

198. The Deputy Commissioner shall have power to inspect the office of any municipal council in his district and call for the records of any such municipal council.

Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.

199. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Commissioner and to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government, to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit:

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government, without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

200. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 199 shall apply, so far as may be, to any order made under this section.

Agency for execution of public works.

201. (1) Such public works as, in the opinion of the Government, require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at not more than three per cent as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provision in regard to works executed by Government.

202. (1) Notwithstanding anything contained in this Act, it shall be lawful for the Government at any time after consulting the municipal council—

(*a*) to construct any work or works of a permanent nature which, in the opinion of the Government is or are necessary or desirable for the health, or safety of the inhabitants, whether within any municipality or without it, wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part to the municipal council, or to resume the same from the municipal council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Act.

(2) It shall be the duty of any person who for the tim being, has custody of any moneys on behalf of th municipal council, to pay, from such moneys as he ma have in his hands or may from time to time receive, al amounts directed by the Government to be paid by th municipal council under clause (*c*) of the preceding sub section.

Government inquiry into municipal matters.

203. (1) The Government may order an inquiry to b held by any officer appointed by it in this behalf into an matters concerning the municipal administration of an municipal area or any matters with respect to which it sanction, approval or consent is required under this Act.

(2) The officer holding such inquiry shall, for th purpose thereof, have the powers which are vested in Court under the Code of Civil Procedure in respect of th following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requirin the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournment,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination c witnesses,

and may summon and examine *suo motu* any person whos evidence appears to him to be material; and shall b deemed to be a civil court within the meaning of section 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the atten dance of witnesses, the local limits of such officer' jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person i attending to give evidence may be allowed by the office holding the inquiry to such person and shall be deeme to be part of the costs.

(4) Costs shall be in the discretion of the Governmen and the Government shall have full power to determin by and to whom and to what extent such costs are to b

paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to prevent extravagance in the employment of establishment.

204. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

(2) It shall be lawful for the Government—

Government may require any town municipal council to appoint a health officer or an engineer.

(*i*) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;

(*ii*) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;

(*iii*) to require that any person appointed to be an executive officer shall be invested by any such municipal council with all or any of the powers which can under this Act or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 218;

(*iv*) to require that all or any of the powers referred to in section 157 shall be delegated by any such municipal council, whether there be an executive officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the municipal council under clauses (*i*), (*iii*) or (*iv*) of sub-section (2) above shall be complied with within such time as the Government may in each case prescribe in that behalf.

Power of Government to direct person in custody of municipal fund to pay Government dues.

205. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority, to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

206. (1) If, in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the *Mysore Gazette*, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession, vacate their offices as such councillors;

(*b*) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall, by the election or appointment of councillors, be reconstituted—

(*i*) in the case of dissolution, on the date specified in the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4), as the case may be.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Power after enquiry to continue period of supersession.

207. (1) If any dispute for the decision of which this Act does not otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Act and the dispute is not amicably settled—

Disputes between a municipal council and one or more local authorities.

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself if the dispute is with another municipal council or a village panchayet in the same district and his decision shall be final ; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.

(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1).

208. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

Powers of Government to make rules and orders.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed ;

(*b*) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected ;

(ii) for preparing and revising the lists of voters from time to time, and fixing the date after which no application for enrolment in any such list under preparation or revision shall be received ;

(iii) for determining the manner in which and the authority by whom any objection to such lists in

regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie ;

(iv) for prescribing the date, subject to the provisions of sub-section (1) of section 13 for the publication of the municipal electoral roll ;

(v) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited ;

(*c*) as to the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or who, having served under a municipal council, has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council ;

(*d*) for regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances ; and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants ;

(*e*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom ;

(*f*) for the proper management and maintenance of any work constructed under section 202 and for the regulation of all matters and things connected therewith ;

(*g*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned ;

(*h*) as to the transfer to municipal councils, the management of any institution not otherwise provided for by this Act;

(*i*) as to the intermediate offices, if any, through which correspondence between municipal councils and the Government or Government officers shall pass;

(*j*) for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;

(*k*) for the regulation of all matters connected with the grant of permission under section 113;

(*l*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Act shall be published in the *Mysore Gazette* both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

Power of Government to cancel or modify bye-laws and rules of municipal councils.

209. (1) The Government may, at any time by notification in the *Mysore Gazette*, repeal wholly or in part or modify any rule or bye-law made by any municipal council:

Provided that, before taking any action under this sub-section, the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or bye-law shall take effect from the date of publication of the notification in the *Mysore Gazette*, if no date is therein specified

and shall not affect anything done, omitted or suffered before such date.

Delegation of powers by Government.

210. The Government may delegate all or any of its powers under this Act to any officer subordinate to it.

Powers of Government and of the Deputy Commissioners over subordinates.

211. In all matters connected with this Act, the Government and each Deputy Commissioner shall respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of municipal council and liability of municipal fund.

212. When the Deputy Commissioner or any Officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Act, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Powers to transfer officers.

213. (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any district board constituted under the Mysore District Boards Act, 1926, or of any Government department.

(2) The Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect to transfers made under sub-section (1).

S101

CHAPTER XIII.

APPOINTMENT AND POWERS OF EXECUTIVE OFFICERS.

Appointment of executive officers.

214. (1) Any municipal council may, and when required by the Government by an order in this behalf, shall, within such time as may be fixed therein, appoint an executive officer for the municipality.

(2) The appointment of a person as executive officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of executive officer of any person appointed thereto and the tenure of such office by such person shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When an executive officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

Appointment by Government.

215. Notwithstanding anything contained in this Act—

(*a*) the Government may, by notification, take power to appoint the executive officer in the case of any municipal council;

(*b*) the Government may, at any time, withdraw any such executive officer and appoint another in his place; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of executive officers appointed under clause (*a*).

Municipal council when not to exercise the power.

216. So long as a notification under clause (*a*) of section 215 is in force, the municipal council in respect of which such notification is made, shall cease to exercise the power of appointment under section 214 of this Act.

Duties of executive officer.

217. The executive officer shall—

(*a*) subject to the control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act;

(*b*) subject to the orders of the president or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors;

(*c*) report to the president, and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council and shall comply with any orders passed by the municipal council thereon; and

(*e*) subject to the rules prescribed in this behalf under section 208 and subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (*b*), (*f*) and (*g*) of sub-section (1) of section 24 and in clause (*e*) of the same sub-section in regard to the officers and servants of the municipal council.

Powers of executive officer.

218. (1) The executive officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Act :—

(*a*) he shall have power, subject to the provisions of this Act and of the bye-laws for the time being in force thereunder, to grant, give and issue, with the approval of the president, under his signature all licences and permissions which may be granted or given by a municipal council under this Act, other than licences for markets or slaughter-houses;

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any licence in any case in which he is empowered as aforesaid to grant or give a licence, and in which the municipal council may, under the provisions aforesaid, suspend, withhold or withdraw such licence;

5-21

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licences and permissions granted or given by him under the powers aforesaid ;

(*d*) he may, subject to the control of the president and to the provisions of section 38—

(i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees ; and

(ii) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council ; and

(*e*) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 76,
section 80, sub-sections (2) and (3),
section 85,
section 89, sub-sections (3), (4) and (5),
section 91, proviso to sub-section (2),
section 92,
section 93,
section 94,
section 97,
section 99, sub-section (3),
section 110,
section 112,
section 114,
section 116,
section 119,
section 123, sub-section (1),
section 124,
section 127,
section 128,
section 130,
section 131,
section 132,
section 133,
section 134,
section 135,
section 136,

T. M.

592

section 137,
section 138,
section 139,
section 140,
section 142, sub-section (1),
section 143,
section 146,
section 150, sub-section (3),
section 155,
section 156,
section 157, sub-section (2),
section 166, and
section 167.

(2) The exercise or discharge by the executive officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the Municipal Council and shall be subject to its control and revision.

Executive officer's powers of appointment and punishment.

219. The executive officer shall, subject to the control of the president and independently of such powers as may be delegated to him by the municipal council in this behalf, have power—

(*a*) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post;

(*b*) subject to the provisions of the rules for the time being in force, and subject to conditions and limitations, that may be imposed by the Government or the municipal council, to fine, reduce or suspend any other municipal officer or servant:

Provided that his order in respect of any punishment shall be subject to an appeal to the Municipal Council.

Executive officer may make explanations at meetings.

220. The executive officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

823

SCHEDULE I.

[*Section* 61, *clauses* (i), (v) to (x).]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(i) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(ii) Buildings or lands or both not falling under (i)—	
(*a*) In such municipalities as may be specified by the Government.	Six per centum on the annual letting value.
(*b*) In other municipalities.	Eight annas for every hundred rupees or portion of hundred rupees of the market value up to two thousand rupees, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of two thousand rupees.
B. Stand fee for bus stands established or maintained by a Municipal Council.	Four annas per bus per day.
C. Tax on dogs ...	One rupee per head.
D. Special sanitary cess ...	Three per centum of the rental value.
E. General sanitary cess ...	Four per centum of the rental value.
F. Water rate or water rates ...	Six and one quarter per centum of the rental value.
G. Lighting Tax ...	One-third of the rate leviable under item A.

SCHEDULE II.

[*Section* 61, *clause* (iv).]

MAXIMUM RATES OF OCTROI.

No.	*Articles*	*Maximum rate*			*Remarks*
		Rs.	a.	p.	
1	Cocoanut fresh	... 0	8	4	Per hundred
2	Do dry	... 0	6	0	per maund
3	Betel leaves	 0	0	1	Per hundred
4	Sugar	. . 0	4	0	per maund
5	Sheep or goat	... 0	1	6	per head
6	Tobacco raw	... 0	8	0	per maund *Inclusive of tobacco products dust and sticks.
7	Kerosene oil	... 0	2	0	per tin of four gallons
8	Petrol	... 0	2	0	per gallon
9	Piece goods	... 1	9	0	per cent *ad valorem*
10	Arecanut	... 0	2	0	per bag of five maunds.
11	Cocoanut oil, linseed oil, honge oil, castor oil, vegetable oil.	0	2	0	per tin or part thereof.
12	Diesel oil and other mineral oils ...	0	2	0	do
13	Cement ...	0	0	6	per maund
14	Tiles (Mangalore or similar pattern) including flooring tiles.	1	9	0	per cent *ad valorem.*
15	Iron and steel or articles made therefrom including machinery parts.	1	0	0	per cent *ad valorem.*
16	Alloys in any shape or articles manufactured out of metals, machinery or part thereof.	1	9	0	per cent *ad valorem.*
17	Beedies ...	0	2	0	per 1,000
18	Cigarettes ...	0	4	0	per 1,000
19	Gunny bag ...	0	0	1	per bag
20	Hosiery and other textile fabrics	1	9	0	per cent *ad valorem.*
21	Cuddapah slabs ...	1	9	0	per cent *ad valorem.*
22	Rubber goods ...	2	0	0	per cent *ad valorem.*
23	Coffee and Tea ...	1	9	0	per cent *ad valorem.*
24	Teak and honne in logs ...	0	1	3	per c.ft.
25	Teak and honne sawn ...	0	1	6	per c.ft.
26	Black wood in logs ...	0	1	0	per c.ft.
27	Do sawn ...	0	1	3	per c.ft.
28	Other kinds of timber in logs ...	0	0	9	per c.ft.
29	Do sawn ...	0	1	3	per c.ft.

5.25

No.	*Articles*	*Maximum rate* Rs. a. p.	*Remarks*
30	Wheat and wheat-flour, maida-flour and other wheat products.	0 4 0	per bag of 196 lbs. or fraction thereof.
31	Cotton seeds	0 1 0	per bag of 100 seers or fraction thereof.
32	Groundnuts and groundnut seeds	0 1 0	per bag of 100 seers or fraction thereof.
33	Match boxes	0 1 0	per gross or fraction thereof.
34	Jaggery ...	0 2 0	per maund
35	Ghee per maund ...	0 8 0	do
36	Country butter ...	0 8 0	per maund
37	Oats ...	1 0 0	per cent *ad valorem.*
38	Bran ...	1 0 0	per cent Do
39	Chaff ...	1 0 0	Do
40	Oil seeds ...	0 4 0	per candy of 160 seers.
41	Manufactured wooden materials (intended for sale).	2 0 0	per cent *ad valorem.*
42	Burnt lime (Chunnam) ...	0 4 0	per cart load
43	Manufactured articles such as rain or water proof coats, holdalls, umbrellas, hats, rain caps, fur caps, gowns, over-coats and mosquito curtains.	1 9 0	per cent *ad valorem*
44	Musical goods ...	2 0 0	
45	Toys of all varieties and their accessories.	2 0 0	
46	Soaps of all kinds including soap flakes, shaving sticks, shaving cream, liquid soap and the like.	2 0 0	
47	Confectionery including all kinds of manufactured sweets, peppermint and chocolate.	2 0 0	
48	Glassware (glass-sheets, plates, cups, tumblers, jars, mirrors, glass chimneys, bulbs, bottles, tools, lens, tubes, articles partly made of glass, bangles and other glass articles.)	2 0 0	
49	Tinned goods packets, (*a*) tinned or canned or bottled fruits, fruit juice, essence of all kinds, cuticura powder, etc., baking powder and table salt of all varieties. (*b*) All the electrical goods and parts thereof)	2 0 0	

526

No.	Articles	Maximum rate	Remarks
		Rs. a. p.	
50	Colour and metal polish ...	2 0 0	per cent *ad valorem* or 0-1-0 per lb
51	Motors, dynamo, etc., and all spare parts of metals.	2 0 0	per cent *ad. valorem.*
52	Motor vehicles ...	2 0 0	do
53	Asbestos sheets and other materials made of asbestos	2 0 0	do
54	Porcelain articles and china cups, etc.	2 0 0	do
55	Bakelite and plastic materials ...	2 0 0	do
56	Cameras and watches	2 0 0	do
57	Machinery parts or powerloom parts ...	2 0 0	do
58	(*a*) Battery and cells including electric torches. (*b*) Manufactured syrups and squashes. (*c*) Glaxo, horlicks, malted milk or powdered food, cocoa, ovaltine, bournvita, ovaltine rusk, and all foods of the like nature. (*d*) Toilet snows, creams, hair oils, vaselines, brilliantine and all kinds of pomade and perfumery and the like. (*e*) Condensed milk of all kinds of liquid or powder therefrom and shall include cheese or cream and tinned butter. (*f*) Biscuits of all varieties and kinds ... (*g*) Sausage, canned beef, and the like. (*h*) Tinned meat, etc. ... (*i*) Pepper and ginger species ... (*j*) Tinned and bottled pickles and chutnies. (*k*) All other kinds of tinned food and articles. (*l*) Tooth paste and powder ...	2 0 0	per cent *ad valorem.*
59	Clocks ...	2 0 0	per cent *ad valorem*
60	Photo frames and pictures ...	2 0 0	do
61	Optical glass and frames ...	2 0 0	do
62	Cycles and accessories ...	2 0 0	do
63	Celluloid materials ...	2 0 0	do
64	Playing cards ...	2 0 0	do
65	Brushes of all kinds ...	2 0 0	do

527

SCHEDULE III.

[*See Section* 61, *clause* (ii).]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly. Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks ...	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks ...	6	0	0
For every other vehicle with springs and every palanquin, and every trailer attached to a motor car ...	6	0	0
For every cart or other vehicle without springs ...	4	0	0
For every boat	4	0	0
For every bicycle or tricycle	3	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

828

SCHEDULE IV.

[*See Section* 61, *clause* (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

		Rs.	a.	p.
1.	On every motor bus as defined in the Motor Vehicles Rules or motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled carriage on springs other than a jutka	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	4	0
10.	On every cart or other vehicle not on spring drawn by two buffaloes, bullocks, horses. ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

598

SCHEDULE V.

[*See Section* 61, *clause* (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

	Yearly Rs.
CLASS I.	
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :—	
(i) carrying on business as a company ;	
(ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents ;	
(iii) bankers, money lenders, money-changers and pawnbrokers ;	
(iv) editors and proprietors of newspapers ;	
(v) brokers and dealers in securities, shares or bills of exchange ;	
(vi) practising barristers, advocates, High Court vakils, solicitors, attorneys, pleaders, and law agents ;	50
(vii) practising medical practitioners of all kinds including hakims and vaidyas ;	
(viii) dentists and veterinary surgeons ;	
(ix) architects and civil engineers ;	
(x) owners and farmers of markets and tool-farmers ;	
(xi) keepers of hotels, lodging houses, or boarding houses ;	
(xii) builders and surveyors ;	
(xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds ;	
(xiv) professional artists, photographers, actors and owners or managers of circuses or theatrical companies, musicians and dancers ;	
(xv) dealers in animals or vehicles and owners, or keepers of livery stables or hackney carriages ;	
(xvi) artizans.	
CLASS II.	
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards ...	25
CLASS III.	
Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards ...	12

530

CLASS IV.

	Yearly Rs.
Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ...	8

CLASS V.

Every person described in clase I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ...	4

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards ...	2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards ...	1

NOTE.—The foregoing classification is subject to the following provisos, namely:—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class II.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, High Court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below class III.

PROVISO 3.—No abkari renter (otber than a mere liquor shop keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader medical practitioner (other than a hakim or vaidya), dentist or veterinary surgeon shall be placed in any class below class IV.

PROVISO 4.—No auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house, boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press), shall be placed in any class below class V.

SCHEDULE VI.

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

[*See section* 61, *clause* (xii).]

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Shops.—						
For each shop per year.	30	25	20	10	4	2
Other places where business or profession is carried on for purposes of profit.—						
For each place per year.	30	25	20	20	4	2

SCHEDULE VII.

[*See clause* (*b*) *of section* 62.]

Notice is hereby given to the inhabitants of the municipality of .....that the municipal council desires to impose he tax, rate, toll, octroi or cess (as the case may be) defined in the ules appended, [in lieu of the tax known as the.....which is ublished at page.....of the sanctioned rules.] *

* To be inserted if the tax is to be substituted for any existing tax.

Any inhabitant of the municipality objecting to the proposed tax nay, within one month from the date of this notice, send his objections n writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (*a*) of ection 63 are to be appended here.]

SCHEDULE VIII.

[*See section* 76.]

Form of notice of transfer to be given when the transfer has been effected by instrument.

To the president of the municipal council,

I, A. B. hereby give notice, as required by section 76 of the Mysore Town Municipalities Act, 1951, of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of property					Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	If instrument has been registered, the date of registration	

(Sd.) A. B.

SCHEDULE IX.

[*See section* 76.]

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the president of the municipal counci

I, A. B. hereby give notice, as required by section 76 of th Mysore Town Municipalities Act, 1951, of the following transfer c property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

533

SCHEDULE X.

[*See sub-section* (3) *of section* 92.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the municipal council of..... demands from.....the sum of..... .....due from..... .....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule number.....for the period of.....commencing on the day of.....19.....and ending on the..... day of..... .....19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at..... ....or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19

(Signed)

By order of the municipal council of

SCHEDULE XI.

[*See sub-section* (1) *of section* 93.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B., of.....has not paid, and has not shown satisfactory cause for the non-payment, of the sum of..... .....due for the tax*.....mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under rule number.

*Here describe the tax.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same ;

This is to command you to distrain, subject to the provisions of section 94 of the Mysore Town Municipalities Act, 1951, the goods and chattels of the said A. B. to the amount of , being the amount due from him, as follows :—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars of the goods distrained by you thereunder.

Dated this.....day of.....19 .

(Signed)

President, (or Executive Officer as the case may be), see section 94 (2)

534

SCHEDULE XII.

[*See clause* (c) *of sub-section* (5) *of section* 93 *and sub-section* (1) *of section* 89]

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at.....

*Here describe the tax.

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of..... due for the tax*.....mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this day of 19 .

Signature of Officer

executing the warrant.
collecting octroi.
collecting toll.

INVENTORY.

(Here state particulars of goods and chattels distrained.)

535

SCHEDULE XIII.

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 161 BE USED WITHOUT A LICENSE.

Aerated waters.—Manufacturing.

Ammunition.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Article made of flour.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Biscuits.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Bricks.—Manufacturing.

Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets.—Manufacturing.

Catgut.—Storing, packing, pressing, cleansing, preparing or manufacturing any process whatever.

Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal.—Dumping, shifting, selling or storing.

Chemical preparations.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies.—Grinding by machinery.

Chlorate mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Clothes.—Dyeing.

Coal.—Dumping, shifting, selling or storing.

Coconut fibre.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material.—Storing.

Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Cotton, Cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing, preparing or manufacturing any process whatever.

536

Explosive.—Storing.
Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Firewood.—Selling or storing.
Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Fish.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Fleshings.—Storings, packing, pressing cleansing, preparing or manufacturing by any process whatever.
Flour.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Fuel.—Using for any industrial purpose.
Fulminate of mercury.—Storing, packing, pressing, cleansing preparing or manufacturing by any process whatever.
Gas.—Storing, packing, pressing, cleansing, preparing ormanufacturing by any process whatever.
Gold.—Refining.
Gram.—Husking by machinery.
Gun-Cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Gun-powder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.
Hay.—Selling or storing.
Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Hides.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.
Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Ice.—Manufacturing.
Jute.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Lead.—Melting.
Leather.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Lime.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Manure.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
Machinery.—Using for any industrial purpose.

Matches.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro compound.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy.—Boiling or husking by machinery.

Petroleum products.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the rules issued or the notifications published under that Act.

Pitch.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin (including resin).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai.—Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn.—Dyeing :

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when

538

such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Municipal Council.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs or twenty or more sheep or goats or ten or more heads of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which, in the opinion of the municipal council, is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.